

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

2015 AUG 20 AM 9:52

DEPUTY CLERK

JPMORGAN CHASE BANK, N.A.

Plaintiff,

V.

**DANIEL BLACKBURN AKA
DANIEL CLARK BLACKBURN &
ALL OCCUPANTS**

Defendants

CIVIL ACTION NO. :

8-15CV27 21-N

NOTICE OF REMOVAL

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendant, Daniel Blackburn, hereby removes to this Court the state court action described below.

On August 4, 2015, an action was commenced in the County Court of Law 4, Dallas County, Texas, entitled JPMorgan Chase Bank v. Daniel Blackburn aka Daniel Clark Blackburn & All Occupants, Case Number CC-15-03941-D.

- I. Defendant was served with summons on _____.
- II. Pursuant to N.D. Tex. Local R. 81.1 this notice of removal is accompanied by an index of documents filed in state court (Exhibit A).
- III. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1331 in that it is a civil action between citizens of different states and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs because:

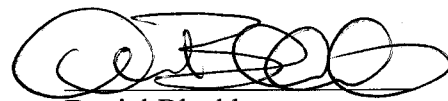
- a. The Amount in Controversy Exceeds the Federal Minimum Jurisdiction Requirements:
 - i. When a “right to a property is called into question in its entirety, the value of the property controls the amount in controversy.” *Nationstar Mortgage, LLC*, 351 Fed. Appx. At 848, 2009 WL 2605356, at *3 (citing *Waller v. Profl In.s Corp.*, 296 F. 2d545, 547-48 (5th Cir. 1961)); See also *Radey v. Chase Home Fin., L.L.C.* 2011 WL 2415344, at *2 (S.D. Tex. June 13, 2011).
 - ii. The subject real property has a current fair market value of \$ 716,760 according to the Dallas Central Appraisal District. Therefore, Plaintiff is seeking an amount in controversy in excess of \$75,000 and satisfies 28 U.S.C. Section 1332.
- b. Pursuant to the 28 U.S.C § 1332(a), this court has original jurisdiction over this matter as the amount in controversy meets the federal jurisdiction minimum and there is a complete diversity of citizenship between the Plaintiff and Defendant.
- c. As the date of formal service starts the 30-day period running, this Notice of Removal is timely filed because it is “filed within thirty days after the receipt by the defendant through service or otherwise, of a copy of an amended pleading, motion or order or other paper from which it may first be ascertained that the case is one which is or has become removable...” See 28 U.S.C. Section 1446(b).
- d. In compliance with 28 U.S.C. Section 1446(a) and Dallas County Local Rule 81, the index required under Local Rule 81.1(a)(4)(A) is attached as **Exhibit A.**
- e. A copy of the docket sheet in the state court action as required under Local Rule 81.1(a)(4)(B) is attached as **Exhibit B.**
- f. A copy of all documents required under Local Rule 81.1(a)(4)(C) are attached as **Exhibits B-I**

- g. A separately signed certificate of interested persons that complies with LR 3.1(c) or 3.2(e) and which is required under Local Rule 81.1(a)(4)(D) is attached hereto as **Exhibit G**
- h. Defendant is providing written notice of the filing of this Notice of Removal to Plaintiff as required by 28 U.S.C. Section 1446(d).
- i. Concurrently with this Notice of Removal, Defendant will file a copy of the Notice with the County Court at Law No. 4 of Dallas County, Texas.

WHEREFORE, Defendant, Daniel Blackburn, respectfully removes this action from the County Court at Law No. 4 of Dallas County, Texas and, having met all procedural requirements for removal and having paid the appropriate filing fee, respectfully requests that the court take jurisdiction over the action and conduct all further proceedings.

Dated: August 20, 2015

Respectfully submitted,

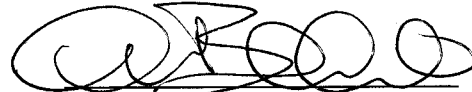
A handwritten signature in black ink, appearing to read 'Daniel Blackburn', with a large, stylized flourish at the end.

Daniel Blackburn
Pro Se
2408 Victory Park Ln #1137
Dallas, TX 75219

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing instrument is being served upon the below named Attorney for the Plaintiff via Certified mail, return receipt requested, in accordance with the Federal Rules of Civil Procedure, on this 20 day of August 2015 as follows:

Lauren E. Christoffel
Barrett Daffin Frappier Turner & Engel, LLP
15000 Surveyor Blvd. #100
Addison, TX 75001
Attorney for Plaintiff

A handwritten signature in black ink, appearing to read 'Daniel Blackburn', with a horizontal line drawn underneath it.

Daniel Blackburn
Pro Se
2408 Victory Park Ln #1137
Dallas, TX 75219

CIVIL COVER SHEET

The JS 44 civil coversheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

JPMORGAN CHASE BANK, N.A.

DEFENDANTS

Daniel Blackburn

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

out of state

County of Residence of First Listed Defendant

DALLAS

(IN U.S. PLAINTIFF CASES ONLY)

IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Barrett Daffin Frappier Turner & Engle, LLP, 15000 Surveyors Road,
#100, Addison, TX 75001, 972-386-5040

pro se

3-15CV2721-N

II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff☐ 3 Federal Question

(U.S. Government Not a Party)

☐ 2 U.S. Government Defendant☒ 4 Diversity

(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State

PTF DEF
☐ 1 ☐ 1

Incorporated or Principal Place of Business In This State

PTF DEF
☐ 4 ☐ 4

Citizen of Another State

☐ 2 ☐ 2

Incorporated and Principal Place of Business In Another State

☒ 5 ☐ 5

Citizen or Subject of a Foreign Country

☐ 3 ☒ 3

Foreign Nation

☐ 6 ☐ 6

IV. NATURE OF SUIT

(Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input checked="" type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	
			IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN

(Place an "X" in One Box Only)

☐ 1 Original Proceeding☒ 2 Removed from State Court☐ 3

Remanded from Appellate Court

☐ 4 Reinstated or Reopened☐ 5

Transferred from another district (specify)

☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) PENDING OR CLOSED:

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

8/20/15

[Signature]

pro se.

FOR OFFICE USE ONLY

RECEIPT #

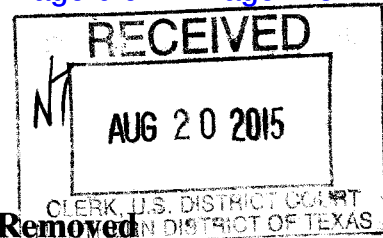
AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

United States District Court
Northern District of Texas



Supplemental Civil Cover Sheet For Cases Removed
From State Court

3-15CV2721-N

This form must be attached to the Civil Cover Sheet at the time the case is filed in the U.S. District Clerk's Office. Additional sheets may be used as necessary.

1. **State Court Information:**

Please identify the court from which the case is being removed and specify the number assigned to the case in that court.

Court

Case Number

Dallas County Court at Law #4

cc-15-03941-D

2. **Style of the Case:**

Please include all Plaintiff(s), Defendant(s), Intervenor(s), Counterclaimant(s), Crossclaimant(s) and Third Party Claimant(s) still remaining in the case and indicate their party type. Also, please list the attorney(s) of record for each party named and include their bar number, firm name, correct mailing address, and phone number (including area code.)

Party and Party Type

Attorney(s)

Plaintiff - JPMorgan Chase Bank, N.A.

Lauren E. Christoffel
Barrett Daffin Frappier
Turner & Engel, LLP
15000 Surveyor Blvd #100
Addison, TX 75001

Defendant - Daniel Blackburn

Pro Se

3. **Jury Demand:**

Was a Jury Demand made in State Court?

9 Yes

9 No

If "Yes," by which party and on what date?

Party

Date

Supplemental Civil Cover Sheet
Page 2

4. **Answer:**

Was an Answer made in State Court?

9 Yes

9 No

If "Yes," by which party and on what date?

Defendant

Party

Date

5. **Unserved Parties:**

The following parties have not been served at the time this case was removed:

Party

Reason(s) for No Service

none

6. **Nonsuited, Dismissed or Terminated Parties:**

Please indicate any changes from the style on the State Court papers and the reason for that change:

Party

Reason

none

7. **Claims of the Parties:**

The filing party submits the following summary of the remaining claims of each party in this litigation:

Party

Claim(s)

JPMorgan Chase Bank, N.A.

Possession of the property,
writ of possession, costs of suit